

## **REMARKS**

Referring to the Office Action dated June 25, 2009, the Examiner notes that the Board of Patent Appeals and Interferences (“BPAI”) affirmed the rejection against previous independent Claim 1, but **reversed all rejections against previous dependent CLAIMS 4 - 6, 13 - 15 and 18 - 20.**

Accordingly, the Examiner has cancelled previous independent Claim 1 and requested that the dependent Claims be presented in independent format to avoid abandonment of the Application.

In response, the following amendments are made to the Claims of the Application:

- (a) dependent Claims 2 - 3 and 11 - 12 - have been cancelled;
- (b) **new independent Claim 21** - previous dependent CLAIM 4 depends from previous independent Claim 1.

Therefore, new independent Claim 21 includes the subject matter of previous Claims 1 and 4. As a consequence, previous Claim 4 has been cancelled;

- (c) **new independent Claim 22** - previous dependent CLAIM 5 depends from previous independent Claim 1.

Therefore, new independent Claim 22 includes the subject matter of previous Claims 1 and 5. As a consequence, previous Claim 5 has been cancelled;

- (d) **new independent Claim 23** - previous dependent CLAIM 6 depends from previous independent Claim 1.

Therefore, new independent Claim 23 includes the subject matter of previous Claims 1 and 6. As a consequence, previous Claim 6 has been cancelled;

- (e) **dependent Claims 7 and 8** - previous dependent Claim 7 has been amended to depend from new independent Claim 21. Dependent Claim 8 depends from amended dependent Claim 7;
- (f) **new independent Claim 24** - previous **dependent CLAIM 13** depends from previous dependent Claim 9, which depends from previous independent Claim 1.

Therefore, new independent Claim 24 includes the subject matter of previous Claims 1, 9 and 13. As a consequence, previous Claims 9 and 13 have been cancelled;

- (g) **dependent Claim 10** - previous dependent Claim 10 has been amended to depend from new independent Claim 24;
- (h) **new independent Claim 25** - previous **dependent CLAIM 14** depends from previous dependent Claim 9, which depends from previous independent Claim 1.

Therefore, new independent Claim 25 includes the subject matter of previous Claims 1, 9 and 14. As a consequence, previous Claims 9 and 14 have been cancelled;

- (i) **new independent Claim 26** - previous **dependent CLAIM 15** depends from previous dependent Claim 9, which depends from previous independent Claim 1.

Therefore, new independent Claim 26 includes the subject matter of previous Claims 1, 9 and 15. As a consequence, previous Claims 9 and 15 have been cancelled;

- (j) **dependent Claims 16 and 17** - previous dependent Claim 16 has been amended to depend from new independent Claim 24. Dependent Claim 17 depends from amended dependent Claim 16;
- (k) **new independent Claim 27** - previous **dependent CLAIM 18** depends from previous independent Claim 1.

Therefore, new independent Claim 27 includes the subject matter of previous Claims 1 and 18. As a consequence, previous Claim 18 has been cancelled;

- (i) **dependent Claims 19 and 20** - previous **dependent CLAIM 19** depended from previous Claim 18 (which has been re-written as new independent Claim 27). Therefore, Claim 19 has been amended to depend from new independent Claim 27. **Dependent CLAIM 20** depends from amended dependent Claim 19.

Thus, it is respectfully submitted that the foregoing amendments and new Claims are supported by the specification and do not constitute new matter.

Furthermore, in summary, following the amendments set out above, the following new independent Claims are pending in this Application, which include the subject matter of the specified dependent Claims for which the rejection was reversed by the BPAI:

Independent Claim 21	previous dependent <b>Claim 4</b>
Independent Claim 22	previous dependent <b>Claim 5</b>
Independent Claim 23	previous dependent <b>Claim 6</b>
Independent Claim 24	previous dependent <b>Claim 13</b>
Independent Claim 25	previous dependent <b>Claim 14</b>
Independent Claim 26	previous dependent <b>Claim 15</b>
Independent Claim 27	previous dependent <b>Claim 18</b>

Accordingly, it is respectfully submitted that new independent Claims 21 - 27 are allowable and allowance is respectfully requested.

Further, amended dependent Claims 7 and 8 depend directly or indirectly from new independent Claim 21. Dependent Claims 10, 16 and 17 depend directly or indirectly from new independent Claim 24. Dependent **Claims 19 - 20** depend directly or indirectly from new independent Claim 27.

Therefore, it is further respectfully submitted that dependent Claims 7, 8, 10, 16, 17, 19 and 20 are allowable and allowance is respectfully requested.

In view of the foregoing amendments and remarks, it is submitted that this Application is in condition for allowance and allowance is respectfully requested.

Finally, it is acknowledged that the Office Action provides a one-month non-extendible deadline "in which to present the dependent claim(s) in independent form to avoid abandonment of the application." It is believed that the Applicant has fully complied with this requirement with respect to dependent Claims 4-6, 13-15 and 18-20. However, in the event that enclosed amended dependent Claims 7, 8, 10, 16 and 17 do not fully comply with this requirement, the Applicant respectfully requests and authorizes the Examiner to make the necessary Examiner's Amendment to the Claims in order to avoid the abandonment of the Application.

Respectfully submitted,  
EMERY JAMIESON LLP

/Terrence N. Kuharchuk/  
Terrence N. Kuharchuk  
Reg. No. 34,999  
Applicant's Agent

Terrence N. Kuharchuk  
Emery Jamieson LLP  
1700 Oxford Tower  
10235-101 Street  
Edmonton, Alberta  
Canada T5J 3G1  
Phone: 1 (780) 426-5220  
Fax: 1 (780) 420-6277